

ORDINANCE NO. 9-06

**TO AMEND CERTAIN PORTIONS OF THE
UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA,
DESIGNATING THE TIME WHEN THE SAME SHALL TAKE EFFECT.**

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, THAT ORDINANCE NO. 32-97 IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change **UZO Section 3-2 Permitted Use Table** (SIC 726) Crematories, to require a special exception in NB, NBU, GB, CB, CBW, I1, A, AA, and AW zones, eliminate the special exception for crematories in R1, R1A, R1B, R1U, R2, and R2U zones, and permit crematories by right in the I2 and I3 zones only.

Section 2: Add a new footnote to **UZO Section 3-2 Permitted Use Table** (SIC 726) Crematories that states:

This use is permitted in NB, NBU, GB, CB, and CBW zones only in association with a funeral home.

Section 3: Correct a typographical error in **UZO Section 6-4-3 Rules and Procedures** to read as follows:

- (a) The **ABZA** has sole authority to adopt any and all rules under *I.C. 36-7-4-916*...
- (c) ...A certified copy of all decisions made on that request shall be transmitted to the **ABZA** as provided in *I.C. 36-7-4-919(f)*...

This ordinance shall be in full force and effect from and after its passage.

This ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

INTRODUCED AND FILED ON THE ____ DAY OF _____, 20____.

DULY ORDAINED, PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THIS THE ____ DAY OF _____, 20____, HAVING BEEN PASSED BY A VOTE OF ____ IN FAVOR AND ____ OPPOSED.

Jan H. Mills, Presiding Officer

ATTEST:

Judith C. Rhodes, Clerk-Treasurer

**PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE,
INDIANA, ON THE ____ DAY OF _____, 20____, AT THE HOUR
OF _____.**

Judith C. Rhodes, Clerk-Treasurer

**THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE _____
DAY OF _____, 20____, AT THE HOUR OF _____.**

ATTEST: _____ Jan H. Mills, Mayor

Judith C. Rhodes, Clerk-Treasurer

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242
(765) 423-9154 [FAX]

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

February 16, 2006
Ref. No.: 06-092

RECEIVED

FEB 21 2006

West Lafayette City Council
609 W. Navajo Street
West Lafayette IN 47906

CLERK - TREASURER


CERTIFICATION

**RE: UZO AMENDMENT # 50—CREMATORIES AMENDMENT:
Changes to the Permitted Use Table (Section 3.2) regarding
crematories**

Dear Council Members:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on February 15, 2006, the Area Plan Commission of Tippecanoe County voted 12 yes - 1 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the West Lafayette City Council that the proposed zoning ordinance amendment be approved.

Sincerely,


Sallie Dell Fahey
Executive Director

SDF/lmu

Enclosure: Staff Report and Ordinance

UZO TEXT AMENDMENT
AMENDMENT 50: CREMATORIES

February 9, 2006

UZO TEXT AMENDMENT AMENDMENT 50: CREMATORIES

February 9, 2006

The Unified Zoning Ordinance currently allows crematories by special exception in the following zones: R1, R1A, R1B, R1U, R2, R2U, NB, NBU, GB, CB, CBW, A, AA, and AW. They are not permitted in any of the industrial zones, and are not permitted by right in any district. After much research by staff and discussion by the Administrative Officers and by Ordinance Committee, a proposal was decided on and was placed on the November 2005 APC agenda. After receiving phone calls from a representative of the crematory industry, staff agreed to continue the UZO amendment to correct some noticeable flaws in the original proposal.

After additional working meetings, staff brought a proposal to the Ordinance Committee in January 2006 which after some additional discussion, was approved to be sent on to the full Area Plan Commission. The first two sections of this ordinance amendment, approved by the Ordinance Committee, would remove crematories from all residential districts, would keep crematories in the A, AA, and AW zones with a special exception, and would continue to allow crematories by special exception in the business districts (NB, NBU, GB, CB, and CBW) but with a new footnote that only permits them "in association with a funeral home". The other difference with this proposal is that it would also allow crematories by special exception in the I1 zone, and would allow crematories by right in two districts: I2 and I3, our heaviest industrial districts.

Staff and Ordinance Committee came to the realization that it made little sense to allow crematories in residential zones, and then attempt to protect residential uses by requiring large separation standards. The Committee ultimately agreed that by not permitting them in residential zoning districts, more residences would be protected and the need for separation standards would be less critical. Staff also learned from the industry representatives that it is much more likely that crematories today would be built as part of a funeral home, or accessory to a funeral home and not accessory to a cemetery as the original amendment proposed.

Finally, this proposal would allow crematories by right in two zones that are least likely to abut residential zones: I2 and I3, the two zones that permit most intense industrial uses by right.

The third portion of this ordinance amendment is a correction of a typographical error found in UZO Section 6-4-3 Rules and Procedures. This correction would not change any regulations in the UZO.

STAFF RECOMMENDATION:

Approval of Ordinance Amendment 50